

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 82-80383

v.

Honorable John Corbett O'Meara

DAVID COULTER,

Defendant.

ORDER DENYING REQUEST FOR EXPUNGEMENT

This matter came before the court on David Coulter's *pro se* request for expungement of his 1982 criminal conviction of aiding and abetting an armed bank robbery. The government filed a response October 30, 2017. No reply was filed, and no oral argument was heard.

After having served a nearly five-year sentence for his crime, Mr. Coulter was released from prison and began working in the construction industry almost 30 years ago. He now seeks expungement of his criminal conviction in order to further his career to be able to better support his family.

Although Mr. Coulter presents a compelling case, federal law does not permit this court to grant his request. "Federal courts lack ancillary jurisdiction over motions for expungement based on purely equitable considerations, yet retain ancillary

jurisdiction over motions challenging an unconstitutional conviction.” United States v. Field, 756 F.3d 911 (6th Cir. 2014). In this case, there is no challenge to an unlawful arrest or conviction, no request to correct a clerical error, and no challenge to the underlying criminal proceedings. Therefore, the request is based solely on equitable grounds; and the court lacks jurisdiction to grant it. However, it pleases the court to know that Mr. Coulter turned his life around after having fully paid his debt for the crime he committed so long ago. Furthermore, the court is hopeful that Mr. Coulter’s future clients and employers view his turnaround in the same manner.

ORDER

It is hereby **ORDERED** that David Coulter’s August 11, 2017 request for expungement is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: December 1, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 1, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager